

§ 141.800 Applicability and compliance date.

(a) *Applicability.* The requirements of this subpart constitute the National Primary Drinking Water Regulations for aircraft that are public water systems and that board only finished water for human consumption. Aircraft public water systems are considered transient non-community water systems (TNCWS). To the extent there is a conflict between the requirements in this subpart and the regulatory requirements established elsewhere in this part, this subpart governs.

(b) *Compliance date.* Aircraft public water systems must comply, unless otherwise noted, with the requirements of this subpart beginning October 19, 2011. Until this compliance date, air carriers remain subject to existing national primary drinking water regulations.

§ 141.801 Definitions.

As used in this subpart, the term:

Administrator means the Administrator of the United States Environmental Protection Agency or his/her authorized representative.

Air carrier means a person who undertakes directly by lease, or other arrangement, to engage in air transportation. The air carrier is responsible for ensuring all of the aircraft it owns or operates that are public water systems comply with all provisions of this subpart.

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft water system means an aircraft that qualifies as a public water system under the Safe Drinking Water Act and the national primary drinking water regulations. The components of an aircraft water system include the water service panel, the filler neck of the aircraft finished water storage tank, and all finished water storage tanks, piping, treatment equipment, and plumbing fixtures within the aircraft that supply water for human consumption to passengers or crew.

Aircraft water system operations and maintenance plan means the schedules and procedures for operating, monitoring, and maintaining an aircraft water system that is included in an air-

craft operation and maintenance program accepted by the Federal Aviation Administration. (14 CFR part 43, 14 CFR part 91, 14 CFR part 121)

Finished water means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g., supplemental disinfection, addition of corrosion control chemicals). (40 CFR 141.2)

Human consumption means drinking, bathing, showering, hand washing, teeth brushing, food preparation, dishwashing, and maintaining oral hygiene.

Self inspection means an onsite review of the aircraft water system, including the water service panel, the filler neck of the aircraft finished water storage tank; all finished water storage tanks, piping, treatment equipment, and plumbing fixtures; and a review of the aircraft operations, maintenance, monitoring, and recordkeeping for the purpose of evaluating the adequacy of such water system components and practices for providing safe drinking water to passengers and crew.

Watering point means the water supply, methods, and facilities used for the delivery of finished water to the aircraft. These facilities may include water trucks, carts, cabinets, and hoses.

§ 141.802 Coliform sampling plan.

(a) Each air carrier under this subpart must develop a coliform sampling plan covering each aircraft water system owned or operated by the air carrier that identifies the following:

(1) Coliform sample collection procedures that are consistent with the requirements of § 141.803(a) and (b).

(2) Sample tap location(s) representative of the aircraft water system as specified in § 141.803(b)(2) and (b)(4).

(3) Frequency and number of routine coliform samples to be collected as specified in § 141.803(b)(3).

(4) Frequency of routine disinfection and flushing as specified in the operations and maintenance plan under § 141.804.

(5) Procedures for communicating sample results promptly so that any

required actions, including repeat and follow-up sampling, corrective action, and notification of passengers and crew, will be conducted in a timely manner.

(b) Each air carrier must develop a coliform sampling plan for each aircraft with a water system meeting the definition of a public water system by April 19, 2011.

(c) The coliform sampling plan must be included in the Aircraft Water System Operations and Maintenance Plan required in §141.804. Any subsequent changes to the coliform sampling plan must also be included in the Aircraft Water System Operations and Maintenance Plan required in §141.804.

§ 141.803 Coliform sampling.

(a) *Analytical methodology.* Air carriers must follow the sampling and analysis requirements under this section.

(1) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.

(2) Air carriers need determine only the presence or absence of total coliforms and/or *E. coli*; a determination of density of these organisms is not required.

(3) Air carriers must conduct analyses for total coliform and *E. coli* in accordance with the analytical methods approved in §141.21(f)(3) and 141.21(f)(6) until March 31, 2016, and in accordance with the analytical methods approved in §141.852 beginning April 1, 2016.

(4) The time from sample collection to initiation of analysis may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 °C during transit.

(5) The invalidation of a total coliform sample result can be made only by the Administrator in accordance with §141.21(c)(1)(i), (ii), or (iii) or by the certified laboratory in accordance with §141.21(c)(2) until March 31, 2016, or in accordance with §141.853(c) beginning April 1, 2016, with the Administrator acting as the State.

(6) *Certified laboratories.* For the purpose of determining compliance with this subpart, samples may be considered only if they have been analyzed by a laboratory certified by a State or EPA. For the purposes of this paragraph, "State" refers to a State or Tribe that has received primacy for public water systems (other than aircraft water systems) under section 1413 of SDWA.

(b) *Routine monitoring.* For each aircraft water system, the sampling frequency must be determined by the disinfection and flushing frequency recommended by the aircraft water system manufacturer, when available, and as identified in the operations and maintenance plan in §141.804.

(1) Except as provided in paragraph (b)(2) of this section, the air carrier must collect two 100 mL total coliform routine samples at the frequency specified in the sampling plan in §141.802 and in accordance with paragraph (b)(3) of this section;

(2) The air carrier may collect one 100 mL total coliform routine sample at the frequency specified in the sampling plan in §141.802 for aircraft with a removable or portable tank that is drained every day of passenger service, and the aircraft has only one tap. Aircraft meeting the requirements of this paragraph do not have to comply with paragraph (b)(4) of this section.

(3) Air carriers must perform routine monitoring for total coliform at a frequency corresponding to the frequency of routine disinfection and flushing as specified in the Table b-1 (Routine Disinfection and Flushing and Routine Sample Frequencies). Air carriers must follow the disinfection and flushing frequency recommended by the aircraft water system manufacturer, when available. Where the aircraft water system manufacturer does not specify a recommended routine disinfection and flushing frequency, the air carrier must choose a frequency from Table b-1 (Routine Disinfection and Flushing and Routine Sample Frequencies):